

**BUTTE-SILVER BOW LOCAL GOVERNMENT
STUDY COMMISSION**

Minutes of the Meeting

March 2, 2006

Butte-Silver Bow Courthouse, First Floor Conference Room

Meeting Date: March 2, 2006

Time: 5:30 p.m.

Place: Butte-Silver Bow Courthouse, First Floor Conference Room

Call to Order: Chairman Bob Worley brought the meeting to order at 5:35 p.m. and called roll with the following results:

Members Present: Tony Bonney, Ristene Hall, Cindi Shaw, Meg Sharp, Northey Tretheway, Bob Worley, and Shag Miller

Excused Absences: Dave Palmer, Wayne Harper and Ron Rowling

Approval of Minutes: Shag Miller motioned and Tony Bonney seconded the minutes from February 23, 2006 be approved. All were in favor and the motion carried.

Comments from Ron Rowling: Ron Rowling discussed with Bob Worley that he would be present at the public hearing on March 9, 2006.

Citizen's Comments: Guest speaker Jean Rupert was present. Jean was a commission member of the previous 1996 Study Commission. Jean had provided the Study Commission members with a copy of the final report she and the previous Study Commission members submitted in 1996. Jean commented that most of the proposals they brought forward to the public got voted down. Jean stated the reason was they had positions that were elected that they were trying to eliminate, such as the Auditor position. Jean commented that she did not remember the exact figure but as an example, she estimated the Auditor was costing the taxpayers \$68,000 a year. They thought the taxpayers could do without the \$68,000 annual cost especially when there are already audits done.

Jean Rupert made a statement that the Superintendent of Schools at that time was not doing much and was seldom present. Jean commented that Chuck Krause's position was paid for half by the county and half by the state. His position was all state paid at that time. The county was paying for his position even though state taxes were paying for it. People had the wrong perception of what the 1996 Study Commission was trying to accomplish. The people believed they were trying to get rid of a voted position. Jean commented their objectives were to have government do more with less.

Jean commented that she was hired to fill in for the County Extension Agent until they filled that position. While working in the position, she had to buy her own pencils and paper. She had to complete a form getting permission to purchase what she needed. Jean stated it was time consuming and took hours just to get the basic supplies. Jean stated that she had brought up central purchasing and did get it passed but nothing has been done.

Jean discussed the consolidation of the BSB government and how it was supposed to make operations run more efficiently. Jean commented she was not sure why BSB had a charter if it is not going to be followed. Jean commented the governor can appoint whom he wants to serve for his administration and she thought the charter was saying that. Jean commented the charter should be the law. The citizens of Butte were the ones who passed it. The judge should not be the one saying it is wrong. The citizens voted and passed the charter.

Ristene Hall replied that she agrees with Jean. Ristene commented when the citizen's vote something in, that is pretty serious. For someone in Helena to say those citizens are stupid, they don't know what they are talking about and this is going to be the law instead, she questions that herself. Ristene thought if it was going to change, they should have gone back to the public, explained why it needed to be changed and placed it back on the ballot to be voted on again. There needs to be more power in the citizen's vote.

Jean stated she wanted Bob McCarthy present so she could tell him, "Shame on you. You should have been doing something."

Bob Worley interjected and told Jean that Bob McCarthy could not be present tonight and has not been present to many of their meetings. Bob Worley has brought this to his attention. Bob McCarthy does not think they are doing things properly. He also thinks they should not have interviewed a lot of the people they have such as department heads. Bob McCarthy felt the Study Commission was wasting their time. Bob Worley explained it was the only way they felt they could learn what was going on.

Bob Worley discussed "at will employment". In 1999, it was changed by the State of Montana by legislature that "at will employment" was no longer legal in the State of Montana. Bob Worley explained that was set up to limit the amount of monies that were paid out to lawsuits

Bob Worley discussed "just cause". He stated it means one has to build a case against a particular employee through employee evaluations. They do not allow local law to override state law. If they leave that in the charter, they are going to run into the same problems down the road they had 12 months ago. The only other way that it is possible to hire somebody under "at will" is by contract.

Jean Rupert asked how does the governor get away with it?

Shag Miller replied it is in the constitution.

Jean Rupert asked what about the charter?

Bob Worley replied if Bob McCarthy was present he would tell her that most of the appointments the government does or the governor does...can be appointed and use "at will" by the governor. Most of those people are political appointees.

Shag Miller commented the appointment of the Chief Executive's department head was not an item of discussion because it did not occur during the time of the 1996 Study Commission.

Jean Rupert replied yes and no. Jean commented the whole idea behind the charter was to combine city and county to make it more efficient and smaller so citizens could afford the services they were getting. That gave the Chief Executive flexibility on how many he wanted to employ. Jean thought maybe it was too general.

Shag Miller had a few questions on that for Jean. He mentioned that the previous Study was advocating the Auditor, Superintendent of Schools and the Assessor positions be eliminated. Shag asked how many votes they had lost and was it done at the general or primary election.

Jean Rupert answered it was done at the general election. They had lost because it looked like they were taking the public's right to vote for someone away.

Shag Miller asked if they had run any advertising campaign in support of voting for the charter? Jean replied that they did.

Meg Sharp asked Jean if they put the items on the ballot individually or if it was done as an either/or type thing?

Jean Rupert replied that they had to vote for each position but then retracted her answer and stated she would have to look it up.

Bob Worley mentioned they have made 28 proposed changes, to the charter. Bob Worley stated they are trying to streamline it, make it more efficient and allow for smoother operation of government.

Bob Worley addressed to Jean that he understands her frustration with the "at will" employment issue. However, they have been advised if they leave "at will" employment in the charter, they could be...the current Chief Executive was advised by the County Attorney not to do what he did. He did it anyway. It ended up costing the citizens of BSB over a million dollars and they are still not done paying for it.

Northey Tretheway stated that he has heard Jean and others make the comment, the reason certain things did not pass when it came to positions in the government was that people did not want their opportunity to elect someone taken away. Northey asked her how she knew that was the reason?

Jean Rupert replied because of how they changed the wording. Jean stated that she fought it. They had a union negotiator who was a Study Commission member. That made things more difficult for the conservative Study Commission members. Jean stated how they worded it, at the last minute, was this takes your right to vote away. That is how it was printed in the newspaper.

Jean Rupert commented when she heard that they were discussing the possibility of the Chief Executive being an appointed position, she thought they were taking her right to vote away.

Meg Sharp asked Jean if it was stated that way on the ballot? Jean replied it was just about like that. The reason stated on the ballot was those were positions they, as a Study Commission, felt were not appropriate and it took your right to vote away. Jean stated that was how a portion of the 1996 Study Commission wanted it phrased.

Ristene Hall asked if they approved the wording as a group and then someone changed it? Jean replied they were somewhat blind-sided. It was all done at the end. The way it was stated in print didn't come out right.

Shag Miller asked who wrote the final wording? Jean Rupert replied John Michelotti, Bill O'Leary and the secretary were in charge of the final wording. It was then approved or disapproved by the whole Study Commission.

Cindi Shaw asked if it was in the Minority Report? Jean Rupert replied yes.

Cindi Shaw replied that is probably what the public read. Something that stated they adamantly opposed the elimination of all those different positions.

Bob Worley commented, they as a Study Commission have that authority. They have to write their recommendations and present them to the public. There could be a Minority Report and he hopes they will not have to face that. Bob Worley felt the nine people the electorate had placed in the room are mixed but they have been able to work through their differences. He did not think there would be a Minority Report.

Jean Rupert commented the 1996 Study Commission was suggesting the elimination of positions and that brought a lot of people to their meetings. They were filled every week.

Jean Rupert read from the 1996 Minority Report, "We therefore believe the selection of our officers should remain with the voters." They made it look as if they were taking that right away.

Shag Miller asked how many were in the Minority Report other than herself? Jean replied she was in the majority but Ted Bury, Jim Fabatz, Jack Hanley and John Svaldi were the minority.

Jean Rupert commented that Jim Fabatz is upset with some of the issues the current Study Commission has to deal with and asked why they even have a charter.

Jean Rupert commended the Study Commission members for all the work they do. Jean asked why should they go through all that work when it can be changed at any time?

Jean Rupert asked where was Bob McCarthy? Cindi Shaw replied that she asked Bob McCarthy whose responsibility it was and he replied to her that it was not his job to fix it; that is what Study Commissions are for. Jean replied that hurt our county.

Meg Sharp commented that Bob McCarthy should have brought to the attention of the Council of Commissioners.

Northey Tretheway commented that he has to raise his hand on a few things. The first being the "at will" language. Northey stated the best explanation he has heard is even though the public votes on things, for example, the public might want to vote that Shag Miller's taxes be higher than the rest of the citizens in the county. You could not do that since laws above and beyond BSB govern it. If the community voted to dump a bunch of toxic waste somewhere in the community, you cannot do that because environmental laws above and beyond the charter govern it. The second thing concerns the inability of the government to follow the charter. Northey asked Jean if they looked at charters from other cities around the state and if she recognized that BSB's charter is the most complicated in the State of Montana.

Jean Rupert replied the City of Butte is more complicated and has more commissioners than Billings. Jean stated there were not many charters to look at like BSB because we were one of the first consolidated governments. BSB's structure of government was more unique. That is why BSB has a more complex charter.

Northey Tretheway commented that Butte-Silver Bow's charter is a remnant of the consolidation of city-county government. In addition, all the politics occurring at that time were to make sure

the same departments were in place and that there were no job eliminations. As a result, it is above and beyond what a charter should be which is the structure not how every department should operate.

Northey Tretheway commented when you do have a charter that is complex then there is lack of flexibility and a tendency for certain things within the charter to be ignored. Northey explained that is why we elect the commissioners and certain individuals. We hope they can use good judgment in enacting ordinances. Northey thought BSB runs into more problems because the charter is so complex.

Jean Rupert replied from many years of being involved with the government. They had a major lawsuit that she was on a board with. Jean commented that she could not figure out why they brought a teacher in to decipher sentences. Then it occurred to her why. They were close to winning the suit and then the word “and” were pointed out. That one word caused them to win the suit. Jean stated it is really important to keep that in mind when looking over the charter.

Bob Worley brought up Section 2.01, Administrative Code that covered the items Jean was talking about. Bob Worley commented it has been established but it is not being followed.

Northey Tretheway referred to having a simplified charter and the operations you want to have done. Bob McCarthy could write those up in an ordinance and then it would have to be approved by the Council of Commissioners.

Jean Rupert replied that she firmly disagrees on having anybody in the government write those rules up. Jean thought you needed to go outside and have the public vote.

Bob Worley commented that they have tried to streamline the charter. Bob stated they tried to have the charter ready for the June primary but they needed more time. It will now go to the November general election. Bob stated once they have a finished product, the public would hopefully see that they have put a lot of time and effort into it and that it will be a better charter for BSB.

Cindi Shaw asked Jean when they had council establish by ordinance the central purchasing and some other things; did they have in mind any ideas on enforcement to make sure it was implemented?

Jean Rupert replied they thought by having the code, they would need to follow it. Jean gave an example of when she was a judge, on the elections for over 30 years, and asked if they remembered the whiteout? Jean explained that there would have been 6000 votes that would've had to been thrown out. Jean explained further that what it was, was people with bifocals, when they went to mark, they just missed it and went underneath it. Barbara Sullivan came to her. Jean explained that she represented the Republicans and there was someone who represented the Democrats. Barbara told Jean there was a problem. She asked Jean if she would go with her. She brought Jean in to speak to the Democratic representative. Jean informed her that they needed to contact Mike Cooney's office and find out what he wanted her to do. Mike Cooney replied that they could not lose that many votes. He told them to white it out and mark it in. From that time on, they established rules and regulations. The key point was nobody could have a black pen so nobody could mark. That was a major thing. It was passed by the Council of Commissioners and then given to the Clerk and Recorder's Office. Jean stated that she had to fight to find it and when she went to Mary McMahon, she didn't know where it was. Jean stated

she then called Mike Kerns and when they finally found it, they got a copy of it. Jean was not sure if they were following it.

Northey Tretheway replied the resolution to that was for the citizens to sue the county to get them to follow the charter.

Jean Rupert replied the citizens believe they are following what is stated in the charter. Jean commented it is discomfoting when things of that nature get lost.

Cindi Shaw mentioned the Land Records Office in the charter. It was supposed be a department that was to be established with a deputy and an assistant/s and it never happened. There is another example of it not being followed.

There was discussion on the ramifications and the person/people that would be held responsible if sections within the charter were not followed.

Shag Miller asked Jean if they were going to eliminate the Auditor position, whom would they have to take the place of that position? Jean replied there is an outside audit that is already done every year. Shag Miller mentioned the duties that were stripped from the Auditor. Shag Miller discussed the Superintendent of Schools and if they eliminated that position, what would they do with the money? Would they give it to School District #1?

Jean Rupert replied they are doing their study to protect the citizens. They are looking at the pros and cons. The money should go to School District 1.

Northey Tretheway commented that the 1996 Study Commission looked at moving everything under School District #1. Dave Palmer's suggestion was having everything moved under the elected Superintendent, which would move School District # 1 under that too.

Bob Worley mentioned state law not having any qualifications set for the Auditor position. They have been discussing on making the Auditor an appointed position with required qualifications, such as needing an Accounting background.

Jean Rupert asked Bob Worley when they had Dannette Harrington present; did she explain how much money she found that was being misappropriated?

Bob Worley replied the last thing that Dannette really spoke about was the license fee problem she found with the Ramsay School District and that was several years ago.

Jean Rupert commented that the current Auditor's position is a waste of the taxpayer's money and that she is just a watchdog.

Bob Worley commented that an Auditor does more than just watch money. They also check with other departments to make sure they operating properly. According to the laws of BSB, an Auditor should report to the Council of Commissioners instead of the Budget and Finance Department.

Jean Rupert replied it seems like the Chief Executive has rules and regulations to follow. Why couldn't you make rules and regulations that an elected official has to follow?

Bob Worley replied state law says no.

Bob Worley commented if the public does not vote on the proposed changes then they are going to be living with the current charter over the next ten years. It is serious.

Bob Worley invited Jean Rupert to attend the public hearing on March 9, 2006.

The next guest speaker was Dave Kneebone. In 1987, the County Attorney, Bob McCarthy wrote a letter to Mike Greeley concerning state law that kept volunteer fire districts and companies independent in consolidated government. The Attorney General stated yes, the intent of the law was to do that. Bob McCarthy's letter to Don Peoples stated yes, the opinion had come back and the fire districts/companies retain the rights as stated under state law. Dave commented the only reason he was mentioning this was because of the Chief Executive thinking he could employ his own people. Dave commented it is just one of those things they had in 1987 an Attorney General's opinion. Dave suggested they review that issue before another court case comes up. Dave stated the volunteer fire departments are getting younger leadership that is more militant. Dave thought addressing this to the Study Commission would be the best way to go. He would like them to check on the Attorney General's opinion and incorporate it into the suggested changes.

Bob Worley asked Dave if he was familiar with how that section currently reads. Dave stated he has the records at his residence.

Bob Worley referred to Section 7.03.

Dave Kneebone asked for him to review Section 7.03 (d) and stated that is the section they should revise.

Jean Rupert commented Ted Bury was on the 1996 Study Commission and the fireman all agreed with Ted on the language in that section. Jean asked what part of that section was a problem?

Dave Kneebone replied, that Ted Bury was on the commission and they enacted through him. Until two weeks before the election, Ted had told them that everything was going fine. Dave stated Bob McCarthy went to the Fire Council and said, "Sorry but this is not going to work."

Jean Rupert replied that is news to her because they worked very hard with Ted Bury.

Dave Kneebone stated that he had given a lot of material and recommendation to Ted Bury. Dave commented they were under the assumption right until the end that there were going to be some different things.

Jean Rupert asked what his problem was that he saw in the charter under Section 7.03 (d)?

Dave Kneebone replied if you get the Attorney General's opinion, she would find the language referred to in the charter is a little bit out of whack. Dave stated they could not change the Attorney General's opinion. It is the force of law until tested in court.

Northey Tretheway replied what is stated in the charter is that it trumps state law.

Dave Kneebone replied that is specifically addressed by Mr. Greeley. Dave commented what Mr. Greeley stated was in this case the intent of the legislature was quite clear. All he is asking is that the Study Commission look into it.

Northey Tretheway asked everyone if they could see how it could be referred to as something similar to the “at will” or “serve at the pleasure” type thing.

Dave Kneebone also referred to Section 7.03 (h)(1) referring to levy of taxes and changing boundaries. He thought it was outside of what the Attorney General stated.

Shag Miller asked if there was talk about Centerville and Butte combining? Dave replied there was and thought there was a lot of room for consolidation of the Fire Departments. In his own opinion, he would like to see one big one.

Dave Kneebone again requested that they look into these matters because now was the time to do it. Dave commented nobody wins in a court case.

Items not on Agenda: Tony Bonney commented the last week and a half, he has heard from a couple different union representatives, who are concerned about proposals made to eliminate positions as a dogcatcher. Tony had told them that he would bring their concerns before the Study Commission. Tony had addressed to them that the present situation is not working. They told Tony they had their own restraints over time and that they were over worked. Tony had explained to them that it was not the intention of the Study Commission to eliminate anyone’s job. The plan of the commission was to look at streamlining the Department of Animal Control. Tony mentioned that they were going to try and attend the public hearing.

Bob Worley mentioned that Jennifer was done with the overheads. Northey stated that he would review them. Bob Worley discussed the notes he had explaining the proposed changes. Northey commented that it was decided not to put any explanation on the overhead and it would be verbally explained at the public hearing. Bob Worley discussed with everyone the equipment that would be needed and had Jennifer in charge of reserving the equipment. Ron Rowling will be present for the public hearing.

End of tape one, side one.

Bob Worley reviewed with everyone the notes he had on the proposed changes. Notes are listed below:

CHARTER NOTES

3.02(d) Correctly identify Council of Commissioners

3.03(j) To comply with state law

3.03(l) To make government more accountable to the voters (New language)

3.05(d) Clear lines of progression

4.01(d) Grammatical change for better flow

4.02(b)(6) Keep the citizens informed

4.02(b)(12)(i) Establish more accountability that relates to the Chief Executive’s goals and objectives (more explanation, public safety, community livability, environmental quality, etc.)

4.02(b)(12)(ii) Require reporting to the Council of Commissioners and the public in a timely manner.

Ristene Hall commented that his explanation should be more detailed.

Northey Tretheway commented that they are trying to get government to report to the people on how accountability and expenditures of monies are being spent. They are trying to make the public aware of where the money is going.

Bob Worley's note on Section 4.02(13)(a): To summarize and compare spending against actual budgets and previous year's budgets to establish accountability.

Ristene Hall referred back to 4.02 (12)(i). Ristene Hall suggested he give an explanation on each item, such as public safety, community livability, etc. and explain what the citizens will gain from that information. Northey Tretheway agreed.

Bob Worley's note on Section 4.02(13)(b): Allow for public participation in the budget of Butte-Silver Bow.

Ristene Hall suggested Jeff Amerman be invited back. He could tell them what he thinks he could do with reporting the budget to the public in a simplified form.

Bob Worley thought they would be having several people come back including Tim Clark, Dannette Harrington and Linda Sajor-Joyce.

Northey Tretheway commented that he knows the Montana Standard will put some information in but did not know if it was on a regular basis.

Jean Rupert stated all she knows about is the annual audit that is published once a year.

There was discussion of having the budget broke down on a pie chart that would be easy for the public to understand.

Shag Miller suggested Bob Worley contact Jeff Amerman and have him review the language.

Bob Worley continued reviewing his notes explaining the proposed changes.

Bob Worley's note on Section 4.02(c): Remove from charter administrative aide (can be approved and hired by ordinance)

Bob Worley read the new proposed language for 4.02 (d), the Chief Executive shall have the power to appoint, when a vacancy exists, and terminate, with the advice and consent of the Council of Commissioners, all non-elected department heads.

Jean Rupert commented that the language does not flow right and that you could not terminate a vacant position. She thought they would need to break it down into two sentences.

Northey Tretheway suggested the language read, upon a vacancy, the Chief Executive shall have the power to appoint with the advice and consent of the Council of Commissioners. The Chief Executive may also terminate a position with the advice and consent of the Council of Commissioners in accordance with state law.

Jean Rupert stated that language did not work either. Jean asked if the Chief Executive would have to go before the council before he could do anything?

Northey Tretheway replied yes and explained if he wants to appoint or terminate anyone he has to go before council to have his or her approval.

Northey Tretheway commented even though state law will govern, if they do it the right way based on Human Resource policies and having employment reviews, there are ways of getting rid of someone if that person deserves to be let go. They cannot leave the original language in there because it will end up costing the government money.

Ristene Hall agreed with Northey and stated that currently we have a good Chief Executive. Ristene commented you have to write it with the absolute worst scenario in mind. Suppose BSB had the worst Chief Executive ever, that language needs to be written in the charter to protect the citizens and county.

Jean Rupert replied she has a right to vote that person in or out. If that person is not doing his/her job she will vote that person out. Jean thought they were getting to tight in telling the Chief Executive what he can/cannot do. Jean commented that before the lawsuit, Paul Babb sought legal council and got legal advice pursuant to any actions he took.

Northey Tretheway replied there is a trend in government, at least in Montana, where there is no Chief Executive and a managed form of government. Jean interjected and stated that she would vote against that. Northey Tretheway continued to explain that they knew that but at the same time they do that so they don't have one person in power. Jean replied that is what they are doing. They are making his position a City Manager. Northey Tretheway replied not necessarily. Cindi Shaw commented he/she would still be elected. Northey Tretheway explained that they are implementing a stop-gap measure to prevent the risk of a million dollars flowing out the window every five years. Northey gave examples of Tom Cash, the Sheriff's Department and three recent lawsuits. Northey asked if they want to continue to have the taxpayers go through this?

Jean Rupert replied that she understood.

Bob Worley clarified that Montana is the only state in the United States that does not have "at will" employment. When the "just cause" law was written, it was assumed that other states would follow. Bob Worley commented in speaking to other attorney's, they believe Montana will go back to "at will" type of employment.

Jean Rupert commented that the state legislature meets every two years and the charter is done every ten years.

Bob Worley replied that is why they added the language, in accordance with state law.

Shag Miller suggested the language read, the Chief Executive shall appoint with the advice and consent of the Council of Commissioners on all non-elected department heads when a vacancy exists. All other hiring and firing shall be done in accordance with the written policies of the Human Resource Department.

Northey Tretheway thought they should use Shag's language for the moment.

Jean Rupert asked if there was anyway they could put in the charter if state law changes any law that affects the charter then the County Attorney has to let the commissioners know.

Northey Tretheway believed they have already covered that by adding the language, in accordance with state law. Northey continued if there is an action that is converse to state law but in accordance with the charter, then he would suspect the County Attorney to address that.

Bob Worley referred back to Section 4.02 (d) and read Shag's proposed language, the Chief Executive shall appoint with the advice and consent of the Council of Commissioners on all non-elected department heads when a vacancy exists. All other hiring and firing shall be done in accordance with the written policies of the Human Resource Department.

Bob Worley's note for Section 4.02(d): To clarify employment practices as to appointment of non-elected department heads in accordance with state law.

Northey suggested they have at the public hearing a very thorough explanation of why state law trumps the charter. Bob Worley replied that he hoped Bob McCarthy would be there. Northey replied that he hopes so too but to have an explanation available in case he is not present. Northey referred to Bob McCarthy's e-mail in reference to Ron Ueland and stated that would help explain it.

Cindi Shaw commented they have a responsibility and cannot just stop at suggesting that ordinances be done without having something enforcing it. Cindi referred to (h) which states, it shall be the duty and the responsibility of the Chief Executive to require the faithful execution of this charter, ordinances, resolutions and laws by all elected and appointed officers. It is the Chief Executive's responsibility to make sure the charter is followed.

Northey replied the Chief Executive is supposed to execute it but under the directions of the laws passed by the legislative side, which is the council.

Dave Kneebone referred back to (h) and stated there was a problem there because nobody is responsible for checking state law as it is formulated and progresses through the years with this charter. Dave asked isn't that the responsibility of the County Attorney? Dave thought that should be in the charter. The only thing stated in the charter is that he is the Chief Legal Officer of BSB.

Shag Miller referred to Section 5.04. Bob Worley reviewed it and stated that is probably where they would insert language regarding the responsibility of the County Attorney to clarify state law.

Northey Tretheway commented there is an incumbency upon certain positions that they should do things themselves. However, when you start to provide detailed information, such as the responsibility of the County Attorney. The parts where you haven't provided detailed instruction, they won't do it. Northey commented that is a reason he would like to see a simplified charter.

Bob Worley replied that the one problem he sees with a simplified charter is that they are not following this charter as it is. What would make them follow a simplified charter?

Bob Worley continued and reviewed Section 5.02 (a)(2).

Bob Worley's note for Section 5.02 (a)(2): To encourage qualified citizens to run for office.

Northey Tretheway asked if they specified any qualifications in the charter for any position? Shag Miller replied no. Northey Tretheway replied they have allowed flexibility under local ordinance for the commissioners to set qualifications.

Bob Worley made a note under Section 5.04, Powers and Duties of Elected Officers. He noted to clarify state law.

Bob Worley commented their question is how do they get the County Attorney to notify the county officials of state law that affect the charter?

Shag Miller's son replied, the County Attorney's job is to be a legal advisor. It is his obligation and duty to notify that the legislature changed the law and this affects your charter.

Bob Worley moved forward to Section 5.05 (b)(1). Shag Miller referred to subsection (b) which states, all appoints to the Law Enforcement Department shall be made pursuant to the municipal law of the state. Shag stated there should be a period there.

Bob Worley's note on Section 5.05 (b)(1): Removed

End of Tape 1, Side 2

Tape 2

Bob Worley reviewed Section 5.05 (d).

Bob Worley's note on Section 5.05(d): Undersheriff appointment approval of the Law Enforcement Commission and the Council of Commissioners.

Ristene Hall asked if BSB needed an Undersheriff? Ristene asked if they could replace an Undersheriff with a police officer?

Northey replied that BSB at one time operated without one. He thought maybe McPherson was the one who brought the Undersheriff back in.

Shag Miller replied it was a carry-over from the county system. Bob Worley thought it might also be a convenience system so if the Sheriff needs to get away, there is somebody who can act in his absence.

Bob Worley's note for Section 7.02(b): Duplicated Section 4.02 (d)

Bob Worley referred to 7.03 (d) in reference to Dave Kneebone's issue and the Fire Department. Bob commented they would need to check into it and get an opinion from the Attorney General.

Dave Kneebone commented the he would drop off the letters/documents he had regarding the language in Section 7.03 to Bob Worley's residence.

Dave Kneebone stated they worked with a union, Volunteer Fire Department and it was written up that the Director of Fire Services shall act as the Fire Chief. Dave stated that was the thing changed at the last minute.

Bob Worley stated that he sees a problem with that currently because the paid Fire Chief is not the Director of Fire Services.

Bob Worley thought subsection (f) needed attention too.

Dave Kneebone stated in 1986 to 1995 when they did that, it was at the time that there was a separate Fire Coordinator and a Fire Chief. They thought the jobs should be combined. They were thinking the Director of Fire Services would be an executive department head with offices in the courthouse.

Meg Sharp commented when Jeff Miller attended one of their meetings, he provided them with a list of suggested changes. Meg suggested they go back and review the items on that list.

Bob Worley reviewed Section 7.04

Bob Worley's note for Section 7.04: Continues Records System, either separate from or included within the Clerk and Recorder's Office.

Bob Worley's note for Section 7.05: Continues Finance and Budget System

Bob Worley reviewed the proposed changes for Section 7.06

Bob Worley asked if they want use the word, "System or Department" in the language of that section. It was decided to use the word, "System".

Bob Worley's note for Section 7.06(a): Clarified Human Resource Department and its responsibilities.

Shag Miller suggested the language state, "report quarterly to the Council of Commissioners the success in meeting these requirements", and take out "to the public".

Bob Worley reviewed Section 7.06(b). Bob Worley commented the original language has been deleted but they have added in language, all hiring and firing shall be done in accordance with the written policies of the Human Resource Department and in accordance with state law.

Bob Worley's note for Section 7.06(b): New hiring policies to help to effect state law

Bob Worley reviewed Section 7.07. Meg Sharp read the proposed language; the Council of Commissioners shall establish by ordinance an Animal Services System, as a separate department, with a director in charge of confinement, enforcement and administration.

Bob Worley's note for Section 7.07: Establish Animal Control Department, separate from Public Works. (Provide solution to dog/cat problem)

Bob Worley reviewed Section 7.08, the Council of Commissioners shall establish by ordinance a Superfund Coordinator, with an Advisory Board, responsible for all monitoring of funding and all Superfund activities, which BSB has responsibility as per the Consent Decree resulting from the Superfund process.

Bob Worley's note for Section 7.08: Establish a Superfund Board

Bob Worley's note for Section 7.09: Establish a full-time Community Enrichment Coordinator

Bob Worley's note for Sections 9.02: Duplicated in 3.02

9.03: Governed by state law

9.04: Governed by state law

Ristene Hall suggested Bob Worley provide them with copies of his notes on the proposed changes.

Cindi asked when they were going to get together in reference to the Party Line.

Date of Next Meeting: March 15, 2006

Meeting Adjournment: Tony Bonney motioned and Northey Tretheway seconded for adjournment. Meeting adjourned at approximately 8:40 p.m.